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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/726,558
Filing Date: December 01, 2000
Appellant(s): OZAWA, RYO

Bruce Bernstein
Reg. No. 29,027
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/14/09 appealing from the Office action mailed 4/14/09.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,627,584	Nishikori et al.	5-1997
5,583,566	Kanno et al.	12-1996

5,258,834 Tsuji et al. 11-1993

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-4, 6-10, 12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno et al. (5583566), (hereinafter referred to as "Kanno") in view of Nishikori et al. (5627584), (hereinafter referred to as "Nishikori") in further view of Tsuji et al. (5258834), (hereinafter referred to as "Tsuji").

Regarding claims 1 and 7, Kanno discloses an apparatus for interfacing a medical instrument wherein no cable for transmitting information is required (Kanno: column 4, lines 63-65). This apparatus comprises an "endoscope having a solid state image sensor provided at a distal end, an image signal processing unit that produces a video signal based on the image signals, and a monitor for reproducing and displaying the images" (Kanno: column 7, lines 43-54, wherein the solid state image sensor is the CCD which is located on the tip or distal end and the signal processing unit is the conversion of the input signal to a video signal). The system further comprises a "scene changing system that changes a scene on the monitor between an endoscope image display scene and a patient data list display scene" (Kanno: figure 32, wherein the user has the ability to change the scene between the endoscope image display or endoscope inspection and the patient data list or patient data management), "storage system that stores patient data forming a patient data list" (Kanno: figure 30A, column 22, lines 49-55, wherein the storage device is the hard disc), "a selection system

that selects individual patient data" (Kanno: figure 32, column 23, lines 53-67 – column 24, lines 1-67, wherein the selection system is the program displayed on the screen in figure 32), and a "display control system that displays the individual patient data together with the endoscope image on the monitor when the scene is changed from the patient list to the endoscope image display" (Kanno: figures 24 and 33, wherein the endoscope images are displayed in box 203a). Kanno further discloses an "indicator system that visually indicates patient data to be selected from the patient data list" (Kanno: column 23, lines 47-55, wherein the visual indicator is the mouse), "manual operation system that controls the indication of the patient data to be selected from the list" (Kanno: figure 32, column 23, lines 53-67 – column 24, lines 1-67, wherein the operating system is the program that runs the menu displayed on the screen in figure 32) and a "manual settlement system that manually settles the indication of the patient data to be selected from the patient data list" (column 23, lines 47-55, wherein the settlement system is the mouse in that the mouse "click" manually settles or selects the appropriate data). Although one of ordinary skill would realize that Kanno's apparatus would utilize clock signals to transfer data, this apparatus lacks displaying the patient data list on a monitor and the specifics of the clock signals as claimed. Nishikori teaches that prior art endoscope systems make the operating procedure more complex (Nishikori: column 1, lines 48-52). To help alleviate this problem, Nishikori discloses "a patient data list which is displayed on the monitor" (Nishikori: figures 15D, 15F, 15I, and 15J). Tsuji teaches that

prior art endoscope systems have a problem of fatigue of visual sensation during observation (Tsuji: column 3, lines 41-53). To help alleviate this problem, Tsuji discloses "a timing controller that provides clock pulses to the processing unit, the timing controller outputting a first series of clock pulses having a first frequency and a second series of clock pulses having a second frequency higher than the first frequency" (Tsuji: column 6, lines 15-17; column 8, lines 5-18) and "the second frequency being higher than the first frequency in order to enable the processing unit to process a larger number of image pixel signals" (Tsuji: column 8, lines 5-18. The first frequency given (16 Hz) is used to only display the image as disclosed in the first embodiment. However, a higher frequency is needed when displaying the image with the patient data since the unit must now process a larger number of pixels). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Kanno, add the patient list display taught by Nishikori, and add the clock pulses taught by Tsuji in order to obtain an apparatus that produces high quality video images at a lower operating procedure complexity.

Regarding claims 2 and 8, Kanno discloses an "editing system that edits the patient data forming the patient data list" (Kanno: column 25, lines 21-25, wherein the editing system is the patient data management).

Regarding claims 3 and 9, Nishikori discloses "the production of the video signal is performed by the image signal processing unit such that as much patient information as possible is included in the patient data list to be displayed

on the monitor when the scene is changed from the endoscope image display to the patient data list display" (Nishikori: figure 15D, wherein the endoscope image display is invoked by pressing the CV-100 button, figure 15I, wherein the screen is shown to occupy the entire screen to display as much information as possible).

Regarding claims 4 and 10, Kanno in view of Tsuji disclose "wherein the timing controller outputs the first series of clock pulses in accordance with a number of image pixel signals obtained from the sensor of an endoscope" (Kanno: column 8, lines 38-59; Tsuji: column 8, lines 5-35).

Regarding claims 6 and 12, Kanno discloses an "editing system that edits the patient data forming the patient list" (Kanno: column 25, lines 21-25, wherein the editing system is the patient data management), and a "determination system that determines whether the editing of the patient data is performed by an editing system after the activation of the manual settlement system, the editing of the patient data being settled by an activation of the manual settlement system when the performance of the editing of the patient data is confirmed by the determination system" (Kanno: column 23, lines 47-55, wherein the settlement system is the mouse in that the mouse "click" manually settles or selects the appropriate data. The data will not be edited until the selection is "clicked" or confirmed by the system).

Regarding claim 16, note the examiners rejection for claim 1.

(10) Response to Argument

i. On pages 12-14, appellant argues that the prior art fails to disclose a scene changing system that changes a scene displayed on the monitor between an endoscope image display scene and a patient data list display scene.

Kanno illustrates in figure 32, a scene changing system displayed on a monitor. The user has five options to select from that will change the display of the monitor. Option one (endoscope inspection) will display the endoscope image display scene. The endoscope inspection screens can be seen in figures 2 and 8A-8C, wherein the patient data is displayed along with the endoscope image. Option number three (patient data management) enters a patent data list management mode. The patient data can be seen in figures 30A-30C of Kanno. However, Kanno does not explicitly disclose the patient data list is displayed on the monitor. Nishikori illustrates in figure 15A, multiple screen change switches. One of the switches is labeled data, Indicating patient data. The patient data is illustrated in figures 15D and 15F of Nishikori. Hence, when pressing the correct button in Nishikori, the patent data list is displayed. Therefore the combination of Kanno with Nishikori teach a scene changing system that changes a scene displayed on the monitor between an endoscope image display scene and a patient data list display scene.

ii. On pages 14-16, appellant argues that Tsuji fails to disclose a timing controller that provides clock pulses to the image signal processing unit, the controller outputting a first series of clock pulses having a first frequency and outputting a second series of

clock pulses having a second frequency being higher than the first frequency in order to enable the image signal processing unit to process a higher number of image pixel signals.

Tsuji discloses in column 8, lines 5-35, outputting a second, higher clock pulse of 19MHz instead of the 16MHz clock used in the first embodiment. Tsuji uses the higher clock pulse in order to process a higher number of image pixels as seen in figure 6 of Tsuji. While both the 16MHz and 19MHz read the data in a one field period, the 19MHz clock pulse reads out more data in the same period. Hence, Tsuji does not need to double the horizontal clock. Hence, Tsuji, combined with Kanno and Nishikori, teach a timing controller that provides clock pulses to the image signal processing unit, the controller outputting a first series of clock pulses having a first frequency and outputting a second series of clock pulses having a second frequency being higher than the first frequency in order to enable the image signal processing unit to process a higher number of image pixel signals when the patient data list is displayed.

iii. On pages 16-19, appellant presents identical arguments with regards to claims 7 and 16.

Please note the Examiners comments above with respect to these arguments.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Evidence Appendix

No evidence has been provided by the appellant.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Dave Czekaj

/Dave Czekaj/

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